



08-22-06

Attorney Docket No. 848075/0057

ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yajima, Takayuki Examiner: Meless N. Zewdu
Application No.: 10/671,310 Confirmation No.: 8023
Filed: September 25, 2003 Group Art Unit: 2617
For: PORTABLE TERMINAL WITH DISPLAY

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Sir:

Pursuant to 37 C.F.R. § 1.181(a), Applicant hereby petitions to withdraw holding of abandonment of the above-identified patent application because a response to the Final Office Action and a Notice of Appeal were timely filed and the above-identified patent application is therefore not in fact abandoned.

The Notice of Abandonment dated August 10, 2006 informs Applicant that the above-identified patent application is abandoned in view of Applicant's failure to timely file a proper reply to the Final Office Action mailed on February 3, 2006. More specifically, the Notice of Abandonment asserts that no Response to the Final Office Action was received by the U.S. Patent and Trademark Office (USPTO). However, as explained below, Applicant timely filed a Response to the Final Office Action and a Notice of Appeal on August 3, 2006.

To avoid abandoning a patent application after a final office action, a proper reply under 37 CFR 1.113 must include a request for continued examination (RCE) under 37 CFT 1.114 or cancellation of, or appeal from the rejection of, each claim so rejected. Therefore, on August 3, 2006, a

Response to a Final Office Action dated February 3, 2006, and a Notice of Appeal were filed with the USPTO. *See* Ex. 1, Response to Final Office Action; Ex. 2, Notice of Appeal. In accordance with 37 CFR 1.10, the August 3 Response was filed by Express Mail and included an appropriate Certificate of Express Mailing. *See* Ex. 1; Ex. 3, Express Mail Receipt. Accordingly, the filing date of the Response is the date it was mailed to the Patent Office, i.e., August 3, 2006. In response to the filing, the IP Docketing Department of Schulte Roth & Zabel LLP received a stamped post card signifying that the USPTO received a 13 page response to the Final Office Action, a 2 page transmittal, a Notice of Appeal and the required fee of \$1,520.00. *See* Ex. 4, Stamped Post Card from USPTO. However, on August 14, 2006, the Docketing Department received a Notice of Abandonment indicating that the examiner had not received either the response to the office action or the notice of appeal. To clear up the confusion, on August 15, 2006, a call was placed to Examiner Zewdu regarding the notice of abandonment. The Examiner informed Applicant that he had not received the Office Action Response or the Notice of Appeal and that a petition to withdraw the holding of abandonment should be filed.

As a result of the foregoing evidence, Applicants respectfully request withdrawal of the Notice of Abandonment and continuation of examination of the merits of the Application.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: August 17, 2006
New York, New York

By: Anna Vishev
Anna Vishev, Esq.
Reg. No. 45,018

CERTIFICATE OF EXPRESS MAILING

Date of Deposit:
August 17, 2006

Express Mail Label No.:
EV 098588464 US

I hereby certify under 37 C.F.R. 1.10 that this correspondence and enumerated documents are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Joan Agostini
Signature: _____

Schulte Roth & Zabel, LLP



Attorney Docket No. 848075/0057


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Takayuki Yajima et al.
Serial No.: 10/671,310
Filed: September 25, 2003
For: PORTABLE TERMINAL
WITH DISPLAY
Examiner: Meless N. Zewdu

Exp. Mail No.: EV325881825US

I hereby certify under 37 C.F.R. 1.10 that this correspondence and enumerated documents are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on :

Date: August 3, 2006


Maureen Montero

Group Art Unit: 2683

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO FINAL OFFICE ACTION

Sir:

In reply to the Final Office Action dated February 3, 2006, Applicants hereby submit the following:

AMENDMENTS TO THE CLAIMS are reflected under the heading Listing of Claims, beginning on page 2 of this paper.

REMARKS begin on page 7 of this paper.

AMENDMENT TO THE CLAIMS

Listing of Claims:

Claim 1 (Currently Amended): A portable terminal having an open state and a closed state, said portable terminal comprising:

- a first housing having at least a display unit with a screen;
- a second housing having at least an input unit;
- a detecting ~~means-unit~~ for detecting opening of either of said housings; and
- a control ~~means-unit~~ for controlling said screen of said display unit;

wherein said first housing is openably and closably connected to said second housing, wherein said display unit is visible to a user in at least said closed state of said portable terminal, and wherein, when said detecting ~~means-unit~~ detects opening of either of said housings, said control ~~means-unit~~ changes said screen of said display unit to an input screen.

Claim 2 (Currently Amended): The portable terminal according to claim 1 further comprising a selecting unit for selecting an item displayed on said display unit, wherein when said detecting ~~means-unit~~ detects opening of either of said housings, said control device changes said screen with an item selected by said selecting unit to an input screen corresponding to said item.

Claim 3 (Original): The portable terminal according to claim 1, wherein said portable terminal is a personal digital assistant.

Claim 4 (Original): The portable terminal according to claim 1, wherein said portable terminal is a portable telephone.

Claim 5 (Currently Amended): A portable terminal having a closed state and an open state, said portable terminal comprising:

- a first housing having at least a display unit with a screen;
- a second housing having at least an input unit;

a detecting ~~means-unit~~ for detecting opening of either of said housings; and

a control ~~means-unit~~ for controlling said screen of said display unit;

wherein said first and said second housings are openably and closably connected together, wherein said display unit is visible to the user in said closed state and in said open state of said portable terminal, wherein said input unit is visible to a user in said open state, and wherein, when said detecting ~~means-unit~~ detects opening of either of said housings, said control ~~means-unit~~ changes said screen of said display unit to an input screen.

Claim 6 (Original): The portable terminal according to claim 5, wherein said portable terminal is a personal digital assistant.

Claim 7 (Original): The portable terminal according to claim 5, wherein said portable terminal is a portable telephone.

Claim 8 (Currently Amended): A portable terminal having a closed state and an open state, said portable terminal comprising:

a first housing having at least a display unit, said display unit being switchable between an input mode and a non-input mode;

a second housing having at least an input unit;

a detecting ~~means-unit~~ for detecting opening of either of said housings; and

a control ~~means-unit~~ for switching said display unit between said non-input mode and said input mode;

wherein said housings are openably and closably connected together, wherein said display unit is visible to a user in said closed state of said portable terminal, and wherein when said detecting ~~means-unit~~ detects opening of either of said housings, said control ~~means-unit~~ switches said display unit from said non-input mode to said input mode.

Claim 9 (Currently Amended): A portable terminal having a closed state and an open state, said portable terminal comprising:

a first housing having at least a display unit, said display unit including a screen changeable between an input screen and a non-input screen;

a second housing having at least an input unit;

a detecting ~~means-unit~~ for detecting opening of either of said housings;

a reception ~~means-unit~~ for receiving an electronic mail message; and

a control means for selectively displaying said received electronic mail message on said screen of said display unit and for changing said screen of said display unit;

wherein said housings are openably and closably connected together, wherein said display unit is visible to a user in said closed state, and wherein when said detecting ~~means-unit~~ detects opening of either of said housings, said control ~~means-unit~~ changes said non-input screen displaying said received e-mail to said input screen for editing based on said received e-mail.

Claim 10: (Currently Amended): The portable terminal according to claim 9, wherein said control ~~means-unit~~ changes said non-input screen displaying said received e-mail to said input screen and displays said received e-mail on said input screen.

Claim 11: (Original): A method of displaying an input screen of a display unit of a portable terminal having housings openably and closably connected together, comprising the steps of:

selecting an item to be displayed on said display unit while said portable terminal is in a closed state; and

changing a non-input screen of said display unit having an item selected thereon to an input screen corresponding to said selected item when either of said housings is opened from said closed state.

Claim 12: (Original): The method according to claim 11, wherein said non-input screen has a guide view informing a user to open either of said housings from said closed state.

Claim 13: (Original): A method of displaying an input screen of a display unit of a portable terminal having housings openably and closably connected together, comprising the steps of:

receiving an electronic mail message;

displaying said received electronic mail message on a non-input screen of said display unit; and

changing said non-input screen displaying said received electronic mail message to an input screen for editing based on said received electronic mail message when either of said housings is opened from its closed state.

Claim 14 (Original): The method according to claim 13, wherein said non-input screen has a guide view informing a user to open either of said housings from said closed state.

Claim 15 (Previously Added): A portable terminal having an open state and a closed state, said portable terminal comprising:

a first housing having a display unit with a screen;

a second housing having an input unit;

a detecting unit for detecting opening of either of said housings; and

a control unit for controlling said screen of said display unit;

wherein said first housing is openably and closably connected to said second housing, wherein said display unit is visible to a user in at least said closed state of said portable terminal, and wherein, when said detecting unit detects opening of either of said housings, said control unit changes said screen of said display unit to an input screen.

Claim 16 (Previously Added): A portable terminal having a closed state and an open state, said portable terminal comprising:

a first housing having a display unit with a screen;

a second housing having an input unit;

a detecting unit for detecting opening of either of said housings; and

a control unit for controlling said screen of said display unit;

wherein said first and said second housings are openably and closably connected together, wherein said display unit is visible to the user in said closed state and in said open state of said portable terminal, wherein said input unit is visible to a user in said

open state, and wherein, when said detecting unit detects opening of either of said housings, said control unit changes said screen of said display unit to an input screen.

Claim 17 (Previously Added): A portable terminal having a closed state and an open state, said portable terminal comprising:

- a first housing having a display unit, said display unit being switchable between an input mode and a non-input mode;

- a second housing having an input unit;

- a detecting unit for detecting opening of either of said housings; and

- a control unit for switching said display unit between said non-input mode and said input mode;

wherein said first and said second housings are openably and closably connected together, wherein said display unit is visible to the user in said closed state of said portable terminal, and wherein when said detecting unit detects opening of either of said housings, said control unit switches said display unit from said non-input mode to said input mode.

Claim 18 (Previously Added): A portable terminal having a closed state and an open state, said portable terminal comprising:

- a first housing having a display unit, said display unit with a screen changeable between an input screen and a non-input screen;

- a second housing having an input unit;

- a detecting unit for detecting opening of either of said housings;

- a control unit for selectively displaying said received electronic mail message on said screen of said display unit and for changing said screen of said display unit;

wherein said housings are openably and closably connected together, wherein said display unit is visible to the user in said closed state, and wherein when said detecting unit detects opening of either of said housings, said control unit changes said non-input screen displaying said received e-mail to said input screen for editing based on said received e-mail.

REMARKS

Summary of Office Action

Applicants' claims 1-18 are currently pending in the above-identified patent application.

The Examiner rejected independent claims 1, 5, 8, 11 and 15-17 and dependent claims 2, 4, 7, and 12 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,907,276 B2 (hereinafter "Toba").

Further, the Examiner rejected independent claims 9, 13 and 18 and dependent claims 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Toba in view of United States Patent Application No. US2002-0119768 A1 (hereinafter "Matsumoto").

Further, the Examiner rejected dependent claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Toba in view of United States Patent No. 6,658,272 (hereinafter "Lenchick").

Applicants' Reply to the Rejection of the Claims

35 U.S.C. § 102(e)

The Examiner rejected independent claims 1, 5, 8, and 11 and dependent claims 2, 4, 7, and 12 under 35 U.S.C. § 102(e) as being anticipated by Toba. Applicants submit the following remarks wherein the Examiner's rejections are respectfully traversed.

In rejecting independent claim 11 the Examiner asserted that all of the elements of claim 11 are shown in Toba. *Office Action, Page 3*. However, Applicants respectfully submit that Toba fails to show or suggest a mobile portable communication terminal that switches a non-input screen of the display unit having an item selected to an input screen corresponding to that selected item in response to the terminal switching to an open state from the closed state. Instead, Toba teaches a portable terminal with a control circuit 21 that carries out the display control on the main display unit 5 and the external display unit 11 depending upon whether a control circuit 6 detects that the terminal is in the open or closed state. When the control circuit 6 detects that the portable terminal is in the open state, the control circuit 21 carries out the display controls on the main display unit 5. However, when the control circuit 6 detects that the portable terminal is in the closed state, control circuit 21 carries out the display controls on the external display unit 11. Thus, control circuits 6 and 21 simply switch the display from the

external display unit 11 to the main display unit 5 when the portable communication terminal moves from the closed state to the open state and vice versa. *See col. 7, line 58 - col. 8 line 3; col. 8 lines 28-36.*

Toba does not teach the method for switching the display unit from a non-input screen when the housing is closed to an input screen in response to the housing being opened. Looking at Fig. 4A, Toba indicates that the user only inputs information when the terminal is in the closed state and the information is displayed on the external display unit 11. *See Fig. 4A, Step S11-S12.* No where does Toba suggest that when the terminal changes from the closed state to the open state, an input screen appears on the internal display unit. In fact, Examiner concedes this point when stating in connection with Claims 9, 13 and 18 that "Toba does not explicitly teach/disclose about editing the received email/electronic mail message, as claimed by applicant." *See Office Action at pgs. 7-8.* In Toba when the terminal switches from the closed state to the open state the same information that was being displayed on the external display unit 11 appears on the internal display unit 5. For example, in Toba when a call or the like is received on the mobile communication terminal in the closed state, reception of the call is displayed on the external display unit 11. If the terminal changes from the closed state to the open state, the user can only confirm the information displayed on the external display unit 11 on the internal display unit 5, there is no opportunity to input a response of any kind. *See Col. 14, lines 33-46.* For these reasons, the subject matter of claim 11 is patentably distinct from Toba and accordingly is not anticipated by Toba.

Applicants respectfully submit that dependent Claim 12 is believed to define patentable subject matter in view of its dependency upon allowable Claim 11 and, further, on its own merits.

In rejecting independent claims 1, 15 and 16 the Examiner asserted that all of the elements of these claims are shown in Toba. *Office Action, Page 3-4.* The Applicants' invention defined in independent claims 1, 15 and 16 comprises a display unit which is visible to a user in at least the closed state of the portable communication terminal, wherein, in response to the detecting unit detecting an opening of the housing, the control unit changes the screen of the display unit from a non-input screen to an input screen. However, as discussed in detail above in connection with claim 11, Toba does not teach or suggest a portable communication terminal with a control circuit that, in response to the detecting unit detecting an opening of the housings changes the screen of the display unit which is visible to the user to an input screen. Instead, the

control circuit provided in Toba's mobile communication terminal simply turns off the external display unit 11 which is visible to the user in the closed state upon the detection of an opening of the housings and turns on the main display unit 5 which is visible to the user in the terminal's open state. Furthermore, Toba does not teach an external display unit that is visible in both the terminal's open and closed states as disclosed in Claims 1, 15 and 16 of Applicant's invention. Toba also does not disclose or suggest changing the screens of the display units 5 and 11 to an input screen in response to an opening of the housings. In other words, Toba does not disclose the limitations of claims 1, 15 and 16 wherein a display unit which is visible to a user in at least the portable terminal's closed state changes from a non-input screen to an input screen, when the control unit detects an opening of the housings. For the reasons stated above, the subject matter of claims 1, 15 and 16 is patentably distinct from Toba and these claims are not anticipated by Toba.

Applicants respectfully submit that dependent Claim 2 is believed to define patentable subject matter in view of its dependency upon allowable Claim 1 and, further, on its own merits. For instance, claim 2 claims a portable communication terminal comprising a selecting unit for selecting an item displayed on the display unit in the closed state, so that when the control unit changes the non-input screen to an input screen in response to the detection of an opening of the housings, the input screen corresponds to the item selected by the selecting unit. These limitations are not disclosed or suggested by Toba as state by the Examiner. *Office Action, Page 4*. Instead, as described in detail above, Toba merely discloses switching between the external display unit 11 and the main display unit 5 upon opening/closing of the housings. For the reason stated above, the subject matter of claim 2 is patentably distinct from Toba and, accordingly, is not anticipated by Toba.

Applicants respectfully submit that dependent Claim 4 is believed to define patentable subject matter in view of its dependency upon allowable Claim 1 and, further, on its own merits.

In rejecting independent claim 17 the Examiner asserted that all of the elements of the claims are shown in Toba. *Office Action, Page 5*. Claim 17 discloses a portable communication terminal comprising a display unit which is visible to the user in the closed and open states of the portable terminal and a control unit that switches the display unit from the non-input mode to the input mode when the detecting unit detects an opening of the housings. Toba does not teach or suggest the invention disclosed in Claim 17. Instead, as explained in detail

above, Toba discloses a portable communication terminal with two display units, display unit 11, visible when the terminal is closed, and display unit 5, visible when the terminal is open, wherein a control circuit turns off and stops controlling display unit 11 and turns on and controls the display of display unit 5 when a detecting unit detects an opening of the portable terminal. In other words, the control circuit provided in Toba's mobile communication terminal controls to turn off the screen of the external display unit 11 which is visible to the user in the closed state upon the detection of an opening of the housings. Furthermore, Toba does not disclose or suggest that the display unit 11 is visible in both the terminals open and closed states nor does Toba disclose or suggest that display units 5 and 11 can switch from non-input screens to input screens in response to an opening of the terminal. Thus, Toba does not disclose the limitation of claim 17, wherein, a display unit which is visible to a user in both the closed and open states of the portable terminal, changes from a non-input mode to an input mode in response to the detecting unit detecting an opening of the housings. For the reasons state above, the subject matter of claim 17 is patentably distinct from Toba and, accordingly is not anticipated by Toba.

In rejecting independent claim 5 the Examiner asserted that all of the elements of the claim are shown in Toba. *Office Action, Page 5*. The portable terminal of claim 5 comprises a display unit which is visible to the user in both the open and closed state, wherein, the display unit changes from a non-input screen in the closed state to an input screen in the open state when the detecting unit detects the opening of the housings. Toba does not disclose or suggest this type of portable terminal as suggested by the examiner. Instead, as explained in detail above, the mobile communication terminal disclosed in Toba is limited to a terminal that turns off the external screen 11 of the terminal when the detecting circuit 6 detects that the terminal is changing from the closed state to the open state. The control circuit 21 then stops controlling the external display unit 11 and begins controlling the main display unit 5 which is visible to the user in the open state. No where does Toba disclose or suggest a single display unit visible in both the open and closed states that changes from a non-input screen in the closed state to an input screen in the open state in response to the detecting unit detecting an opening of the housings. For the reasons stated above, the subject matter of independent claim 5 is patentably distinct from Toba and, accordingly, is not anticipated by Toba.

Applicants respectfully submit that dependent Claim 7 is believed to define patentable subject matter in view of its dependency upon allowable Claim 5 and, further, on its own merits.

In rejecting independent claim 8 the Examiner asserted that all of the elements of the claim are shown in Toba. *Office Action, Page 6*. The subject matter of claim 8 comprises a display unit which is visible to the user in at least the closed state of the portable terminal, wherein, in response to the detecting unit detecting an opening of the housings, the control unit switches the display unit from the non-input mode to the input mode. However, as explained in detail above, Toba does not teach or suggest that, when the detecting unit detects an opening of the housings, the control unit switches the display unit which is visible to the user in the closed state of the portable terminal from the non-input to the input mode, as recited in claim 8. That is, the control circuit provided in Toba's mobile communication terminal turns off the screen of the external display unit 11 which is visible to the user in the closed state upon the detection of an opening of the housing. Toba does not teach or suggest a portable terminal that displays anything on the external display unit when the terminal is in the open state. Furthermore, Toba does not disclose or teach that the control unit switches the display units 5 and 11 from the non-input mode to the input mode in response to an opening of the housings. Thus, Toba does not disclose the limitations of claim 8, i.e., a display unit showing a non-input screen, visible to the user in the closed state of the portable terminal, which, changes to an input screen in response to the detecting unit detecting an opening of the housings. For these reasons, the subject matter of claim 8 is patentably distinct from Toba and , accordingly is not anticipated by Toba.

35 U.S.C. § 103(a)

The Examiner rejected independent claims 9, 13 and 18 and dependent claims 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Toba in view of Matsumoto. *Office Action, Page 7-10*. Applicants submit the following remarks wherein the Examiner's rejections are respectfully traversed.

The subject matter of independent claims 9, 13 and 18 is directed to a portable terminal with a control unit that changes a non-input screen displaying a received email or the like on a display unit when the terminal is in the closed state to an input screen for editing the received email in response to the housings being opened. Toba is silent about this inventive feature. Furthermore, Toba in combination with Matsumoto doesn't teach or suggest the inventive features of independent claims 9, 13 and 18. Matsumoto merely discloses a text editing function, such as email, which is provided for the mobile station, and the hypothetical combination of Toba and Matsumoto merely teaches displaying an edit screen for the received e-mail on the main display unit 11 in response to an operation of an input unit made by the user of

the mobile communication terminal while Toba's mobile communication terminal is in the open state. This is simply just an email function provided on conventional mobile communication terminals. Claims 9, 13 and 18 claim a non-input screen displaying the received e-mail message that automatically changes to the input screen for editing the received e-mail message in response to an opening of the housings from the closed state. This provides an advantage in that it is possible to change the non-input screen displaying the received e-mail message to the input screen for editing based on that e-mail message without any input from the user except an opening of the housings. This greatly improves usability. Neither Toba nor Matsumoto discloses or teaches such a feature.

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Toba in view of Matsumoto. The Applicants respectfully disagree and submits that dependent Claim 10 is believed to define patentable subject matter in view of its dependency upon allowable Claim 9 and, further, on its own merits.

Claims 3 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toba in view of Lenchick. *Office Action, Page 10-11*. The Applicants respectfully disagree and submits that dependent Claims 3 and 6 are believed to define patentable subject matter in view of their dependency upon allowable Claims 1 and 5 and, further, on their own merits.

Conclusion

Accordingly, Applicants respectfully submit that the claimed invention as defined by independent claim 1, claims 2, 3 and 4 which depend therefrom, and independent claim 5, claims 6 and 7 which depends therefrom, and independent claim 8, and independent claim 9, claim 10 which depends therefrom, and independent claim 11, claim 12 which depends therefrom, and independent claim 13, claim 14 which depends therefrom and independent claims 15, 16, 17 and 18 are patentable over the cited references.

For at least the reasons set forth above, Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0057.

Respectfully submitted,

Schulte Roth & Zabel LLP
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: August 3, 2006
New York, New York

By: Anna Vishev
Anna Vishev
Agent for Applicants
Reg. No. 45,018



Attorney Docket No. 848075/0057

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Yajima, Takayuki Examiner: Meless N Zewdu
Application No.: 10/671,310 Confirmation No.: 8023
Filed: September 25, 2003 Group Art Unit: 2683
For: PORTABLE TERMINAL WITH DISPLAY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Decision dated February 3, 2006 of the Primary Examiner rejecting Claims 1-18.

The item(s) checked below are appropriate:

<input checked="" type="checkbox"/>	Notice of Appeal fee is enclosed (if applicable)
<input type="checkbox"/>	\$250.00 - Small Entity status has been previously established in this case.
<input checked="" type="checkbox"/>	\$500.00.
<input type="checkbox"/>	Not required (fee paid in prior appeal).
<input checked="" type="checkbox"/>	Petition for a Three-Month Extension of Time is enclosed along with a fee of \$1,020.00.
<input checked="" type="checkbox"/>	Response to the Final Office Action of February 3, 2006.
<input checked="" type="checkbox"/>	Checks totaling the amount of \$1,520.00 is enclosed.
<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-0675, Order No. 848075-0057 for any overpayments or deficiencies in the above-calculated fee.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorneys for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: August 3, 2006
New York, New York

By: Anna Vishev
Anna Vishev
Reg. No. 45,018

CERTIFICATE OF EXPRESS MAILING

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Name:

Maureen Montero

Signature:

Maureen Montero
Schulte Roth & Zabel, LLP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yajima, Takayuki
Serial No. : 10/671,310
Filed : September 25, 2003
For : PORTABLE TERMINAL
WITH DISPLAY
Examiner : Meless N. Zewdu
Group Art Unit : 2683

Exp. Mail No.: EV325881825US

I hereby certify under 37 C.F.R. 1.10 that this correspondence and enumerated documents are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on :

Date: August 3, 2006

Name: Maureen Montero

Signature: 

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES PURSUANT TO 37 CFR 1.191**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences the final rejection of the claims in the above-identified patent application dated February 3, 2006.

This Notice of Appeal is timely filed in view of the accompanying Petition for a Three-Month Extension of Time under 37 CFR 1.136 and the attached Certificate of Mailing under 37 CFR 1.10.

Enclosed are two checks totaling the amount of \$1,520; \$500 to cover the fee for this Notice of Appeal and \$1,020 to cover the fee for the Three-Month Extension of Time. If any additional charges or fees are required, please charge the Deposit Account of the undersigned attorneys, Deposit Account No. 500675, Order No. 848075/0057. A copy of this Notice of Appeal is enclosed.

Serial No. 10/671,310
Atty. Docket No. 848075/0057

Respectfully submitted,

SCHULTE ROTH & ZABEL LLP
Attorneys for Applicants
919 Third Avenue
New York, New York 10022

By: Anna Vishev
Anna Vishev
Reg. No. 45,018

Dated: August 3, 2006
New York, New York



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Date To Mo. Day Year 8 3 06	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Delivery Attempt Mo. Day Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM 7 32	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Delivery Date Mo. Day Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. 5 ozs.	Int'l Alpha Country Code	NO DELIVERY <input type="checkbox"/> <input type="checkbox"/>	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	WAVES OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. (Wish delivery to be made without obtaining signature of addressee or addressee's agent. In delivery employee judges that article can be left in secure location and authorized that delivery employee signature constitutes valid proof of delivery.)	
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FROM: (PLEASE PRINT) SCHULTE ROTH & ZABEL 919 3RD AVE NEW YORK, NY 10022-3902 P. Ducker / M. Montero 848075 / 0057		TO: (PLEASE PRINT) MAIL STOP AF COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA, VA 22313-1450	

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ATTORNEY/ASSISTANT: Vishev/Ducker/montero DOCKET NO.: 848075/0057

PATENT APPLICATION FOR: PORTABLE TERMINAL WITH DISPLAY

INVENTORS: Yajima, Takayuki FILING DATE: Sept. 25, 2003 DATE MAILED: August 3, 2006

SERIAL NO.: 10/671,310

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

<input checked="" type="checkbox"/> Certificate of Mailing (Express)	<input type="checkbox"/> Certified Priority Document
<input checked="" type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Appeal Brief, Filing Fee \$
<input type="checkbox"/> Declaration	<input type="checkbox"/> Formal Drawings: No. of Sheets
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Terminal Disclaimer: Fee \$
<input type="checkbox"/> Translation	<input checked="" type="checkbox"/> Authorization to Charge Deposit Account 50-0675
<input type="checkbox"/> Request of Corrected Filing Receipt	<input checked="" type="checkbox"/> 2 Checks totaling the amount of \$ <u>1,520.00</u>
<input type="checkbox"/> Recordation	<input type="checkbox"/> Petition: Fee \$
<input type="checkbox"/> Assignment + Fee \$	<input type="checkbox"/> Form PTO 1449 with References
<input type="checkbox"/> Information Disclosure Statement:	<input type="checkbox"/> Petition for Extension of Time, Fee \$ <u>1,020.00</u>
<input checked="" type="checkbox"/> Amendment/Response: <u>13 pp</u>	<input type="checkbox"/> Filing Fee \$
<input checked="" type="checkbox"/> Amendment Transmittal: <u>2 pp</u>	<input type="checkbox"/> Filing Fee \$
<input type="checkbox"/> Missing Parts of Application Transmittal	
<input checked="" type="checkbox"/> Notice of Appeal: Filing Fee \$ <u>500.00</u>	
<input type="checkbox"/> Issue Fee Transmittal, Publication and Soft Copies: Order Fee \$	

Other 10203739.1

